



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,501	10/24/2003	Michael Shappell	30835/306546	9299
45373 7590 12/07/2007 MARSHALL, GERSTEIN & BORUN LLP (MICROSOFT) 233 SOUTH WACKER DRIVE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER LIN, SHEW FEN	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 12/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,501

Applicant(s)

SHAPPELL ET AL.

Examiner

Shew-Fen Lin

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- a. This action is taken to response to amendments and remarks filed on 9/27/2007.
- b. Claims 1-3 and 5-10 are pending in this Office Action.
- c. In view of the amendment to claims 1, 5, and 9, the Examiner hereby withdraws the pending 101/112 rejections that were given in the previous Office Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Aboulhosn et al. (US Patent 6,938,042, hereinafter Aboulhosn).

As to claim 1, Aboulhosn discloses a method of enabling file sharing over a serverless computer network among members of a group (abstract, the file sharing system detects the access and requests that the file owner provide a copy of the file to the accessing member on a

peer-to-peer basis, i.e. serverless file sharing, column 1, lines 59-60, group) comprising a first user and at least one other user (Figure 5, member 1, member 2) comprising:

displaying to the first user via a first user graphical display a shared space indicator (Figure 1, column 3, line 66 to column 4, line 6) including a first file object associated with the shared space first group comprising the first user and at least one other user (Figures 2-3, Figure 5, item 513, column 4, lines 1-23);

receiving from the first user a request to perform a file system operation with respect to the file object (column 4, lines 6-12, column, lines 32-36); and

sending a direct communication from the first user over the network to a computing device used by the at least one other user that has permission to receive the communication (identifies the other members of the group and sends the updated metadata to each member, the first user [file owner], abstract, column 2, lines 47-48, column 3, lines 7-9, column 10, lines 6-7, file is transferred on a peer-to-peer basis, i.e. direct communication) to indicate that the shared file has been modified by the first user after such file system operation has been performed (column 2, lines 18-20, lines 36-40, whenever the actual file is changed at the file owner [the first user], the file owner sends the updated metadata for the file to the other members, column 9, lines 42-46) wherein a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user (Figures 2-3, column 2, lines 17-30, column 4, lines 13-23, lines 49-59).

As to claim 2, Aboulhosn discloses wherein the network is a peer-to-peer network (column 2, lines 15-18).

As to **claim 3**, Aboulhosn discloses presenting a graphical representation of the file system operation to the first user in response to receiving the file system operation request (Figure 1, column 3, lines 66-67, column 4, lines 9-12).

As to **claim 5**, Aboulhosn discloses a method for updating a shared file in a computer network including a group of communicating computing devices in a peer-to-peer network (abstract, the file sharing system detects the access and requests that the file owner provide a copy of the file to the accessing member on a peer-to-peer basis, column 1, lines 59-60, group), the method comprising

performing, at a first computing devices, a file system operation on a shared file associated with a file icon displayed in a first shared space display area to generate an updated shared file (Figure 1, column 4, lines 1-12, column 2, line 67, column 9, lines 42-46);

creating, at the first computing device, metadata associated with the updated shared file (column 2, lines 36-40, column 9, lines 42-46);

directly propagating to a second computer device that has permission (to group member, column 2, lines 47-48, column 10, lines 6-7, file is transferred on a peer-to-peer basis, i.e. direct propagating), by the first computing device, the metadata associated with the updated shared file to other group member (column 2, lines 18-20, column 9, lines 42-46);

obtaining, by a second computing device, the metadata associated with the updated shared file (column 2, lines 24-27, lines 40-41, column 9, lines 42-46);

determining, by the second computing device, whether the updated shared file should be replicated on the second computing device (column 2, lines 3-7);

downloading, by the second computing device, the updated shared file when it is determined that the updated shared file should be replicated (column 2, lines 3-7, column 9, lines 47-49); and

displaying a second file icon in the shared space display area of the second computing device indicating that the shared file has been updated (Figures 2-4, column 2, lines 17-30, column 4, lines 13-23, column 4, lines 32-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aboulhosn as applied to claim 5 above, and further in view of Taylor et al. (US Patent 5,754,306, hereinafter referred as Taylor).

As to claims 6 and 7, Aboulhosn discloses the elements of claim 5 as noted above but does not explicitly disclose the step of displaying, by the second computing device, a third file icon in the shared space display area indicating that the shared file has not been updated when the updated shared file should not be replicated on the second computing device.

Taylor discloses the step of displaying a third file icon when the file has not be updated (Figure 20A, column 28, lines 3-6).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Aboulhosn's disclosure to include different display for unsynchronized files as taught by Taylor for the purpose of identifying unsynchronized files (column 27, lines 23-26, Taylor). The skilled artisan would have been motivated to improve the invention of Aboulhosn per the above such that different icon is used to indicated the file is not updated (column 27, lines 23-29, Taylor).

As to claim 8, Aboulhosn discloses wherein the first shared space display area is a folder object (Figure1, column 3, lines 66-67, column 5, lines 17-19).

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balfanz et al. (US Publish 2004/0103280, hereinafter referred as Balfanz).

As to claim 9, Balfanz discloses a method for adding a shared file to a shared space indicated by a display on a computing device in a serverless computer network that includes a first online member of a group and at least one other online member of the group (Figure 1, paragraph [0007], lines 4-9, paragraph [0022]), the method including the steps of:

displaying to the first user via a first user display a group folder object (Figures 3A/B, paragraph [0031], lines 1-3, paragraph [0032], lines 13-16) ;

activating a file system operation through selection of a first selectable visual indicator to move a file into the group folder object (paragraph [0033], lines 1-8);

creating metadata concerning the moved file (paragraph [0033], lines 8-13); and

directly transmitting the metadata to the at least one other online member of the group (abstract, first device communicates with second device, paragraph [0059]) that has permission to receive the metadata (communicate with one or more other preauthorized devices using cryptographic information, abstract) wherein the metadata indicates that the moved file has been modified by the first online member (laptop 12(2)) after such file system operation has been performed wherein a graphical representation of the shared file modification (new shared file added, paragraph [0059], lines 9-15) is displayed on the computing device used by the at least one other online member (laptop 12(1)) of the group (user interface of other group member is updated to reflect the new file added, paragraph [0059], lines 22-24).

Balfanz does not explicitly disclose the metadata indicates that the moved file has been modified by the first online member.

However, the metadata that identify the file name, the file owner, the create date of the file, the last modified date of the file, the size of the file, are widely used in the art of file system. Furthermore, Aboulhosn teaches that metadata describes the file to be shared, for example, the file name, file owner, create date of the file, the last modified date of the file, the size of the file, and so on (column 2, lines 27-30, Aboulhosn). Therefore, it would have been obvious for one of ordinary skills in the art at the time of invention was made to recognize that the metadata indicates the file has been modified by a certain person is well known and a common practice in the art, hence this limitation lacks patentable significance.

As to claim 10, Balfanz discloses wherein the network is a peer-to-peer network (paragraph [0022]).

Response to Amendment and Remarks

Applicant's amendments and remarks have been fully and carefully considered. In response to these amendments, another iteration of claim analysis, based on previously relied on references, and particularly addressing the newly amended limitation, has been made. Refer to the corresponding sections of the claim analysis for details.

Applicant argues that Aboulhosn does not teach, "The direct communication /propagation/ transmission between two users in the network". In all of Aboulhosn's scenarios,

the file owner or the group owner serves as the distribution gatekeeper of updated meta#data[sic] information. The Examiner respectfully disagrees.

First, Applicant is reminded that the Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. In this case, the claim limitation "a first user" can be interpreted as "a file owner" and whenever the actual file is changed at the file owner [the first user], the file owner sends the updated metadata for the file to the other members (see column 9, lines 42-46). Second, Aboulhosn explicitly discloses that "direct communication from the first user over the network to a computing device used by the at least one other user that has permission to receive the communication to indicate that the shared file has been modified by the first user after such file system operation has been performed" (abstract, a peer-to-peer file sharing system and files are shared by group members, column 9, lines 32-46,...receiving from the second computer system a notification that the file is to be shared with the first computer system,... after the file is changed at the second computer system, receiving at the first computer from the second computer system metadata for the file and updating the metadata stored in association with the virtual file based on the received metadata).

Applicant argues that Balfanz does not limit his invention to a serverless network, in fact, he directly teaches the presence of servers. Balfanz [0022] states "...the respective memory of each laptop ...stores file server software application instructions." The Examiner respectfully disagrees.

Balfanz clearly teaches a P2P fileshares such as GnuTella, Napster, Kazaa , and is well-known that P2P file sharing is a serverless network (see Balfanz [0022], In embodiments of the present invention, these server software instructions when executed by one or more laptops, ...

other file system software applications may be used, such as FTP, CIFS/SMB, NFS, Appletalk and P2P fileshares (e.g., GnuTella, Napster, Kazaa).) Furthermore, Applicant is requested to explain specifically how the Balfanz reference teaches away from the Applicants' invention in order for the Examiner to address the arguments properly. Applicants are also reminded that in order to disqualify a reference based on a "teach away" reasoning, the reference has to explicitly suggest or disclose the so-called teach away steps – Applicants assertion can not be accepted if it is unsupported by a valid evidence.

For the above reasons, the Examiner's stance regarding the status of claims remains the same as stated in the previous Office Action.

Related Prior Arts

The following list of prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Pabla; Kuldip Singh et al., US 7127613 B2, "Secured peer-to-peer network data exchange".
- Yeager; William J. et al., US 7203753 B2, "Propagating and updating trust relationships in distributed peer-to-peer networks".
- Yeager; William J. et al., US 7213047 B2, "Peer trust evaluation using mobile agents in peer-to-peer networks".
- Matsubara, Daisuke et al., US 20050076098 A1, "Method and apparatus for alert distribution and archive sharing".

- Devine; Robert L. S. et al., US 6944662 B2, "System and methods providing automatic distributed data retrieval, analysis and reporting services".

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

Application/Control Number:
10/692,501
Art Unit: 2166

Page 12

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

November 30, 2007

Shew-Fen Lin
Patent Examiner
Art Unit 2166


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER